K 1952.

File No. B. Primary Education/52

Legal Deptt

B BRANCH

Subject:— A Bill No. XXXVI of 1952

A Bill to amend the Bombay Primary Education Act

Bom. Act No. XXV of 1952

P.20
E

File No. B. Primary Education/52

Gen. 194 e.

891-B

Legal Department.

A revised consolidated draft Bill is sent herewith.

2. Clause 6:- This clause carries out the intention of the Education Department, namely to give power to Government to enhance punishment awarded by the Administrative Officer to any member of the staff. It is for the consideration of the Department if instead of giving such particular power a general power to modify, annual or reserve in revision any order (involving disciplinary) action) passed by the Administrative Officer should not be given to Government.

3. Clause 7.- The proposed amendment has been suitably revised.

Sd/- J.R.Dhurandhar
o.c. 22/2

Additional Secretary to Government.

U.R. to E.D., No. 3185, dated the 27th February 1952.

Mjr/4/7
5 Cs.

Legal Department.

It would appear from the Parliamentary Secretary's note at page 89 ante approved by the Honourable Chief Minister that the decisions arrived at are -

(1) that there is no necessity of a provision in the Act for the reservation of a seat for women on the school boards but the object should be achieved by a convention;

(2) that there should be no special representation to the socially and educationally backward classes of citizens on the school boards but such representation should be restricted to the Schedule Castes and Tribes;

(3) that the number of seats to be reserved for the Scheduled Castes and Tribes should be not more than two instead three; and

(4) that under new sub-section (4) of section 24 a general power should be given to Government to modify, annual or reverse in revision any order involving disciplinary action passed by the Administrative Officer.

2. It is presumed that in Education Department note dated 19th March 1952 at page 90 ante no reference has been made to the first decision through over-sight.

3. The revised draft Bill sent herewith gives effect to all the four decisions referred to above.

Sd/- J.R.Dhurandhar
12/4

o.c.

Additional Secretary to Government.

U.R. to E.D. No 5474, dated the 12th April 1952.

Mjr/4/7

5 Cs.

Legal Department.

A revised consolidated draft Bill is sent herewith. Only clause 8 is new.

Clause 8.- It is intended for suitable amendment of section 60 to provide for delegation and redelegation of powers as desired by the Department.

Amendment at Serial No. 2 at page 75 ante.- It has already been included as clause 3 of the draft Bill furnished to E.D. with U.R. No. 5754 dated 12-4-1952.

2. The revised draft Bill also does not require any sanction or recommendation.

Sd/- J.R.Dhurandhar

o.c. 23/6

Additional Secretary to Government

U.R. to E.D. No. 10418, dated the 23rd June 1952.

Mjr/4/7

4 Cs.

No. 14571
Legal Department,
Bombay Castle (Bombay No. 1), 8th September 1952.

From :
Shri J.R.Dhurandhar,
Additional Secretary to the Government of Bombay.

To :
The Secretary to the Governor of Bombay,

Subject:- The Bombay Primary Education (Amendment) Bill, 1952.

Sir,

With reference to article 200 of the Constitution of India, I am directed to forward herewith for the assent of the Governor the authentic copy of the Bombay Primary Education (Amendment) Bill, 1952 which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 11th August 1952 and 21st August 1952, respectively.

2. The subject matter of the Bill falls under entry 11 in List II in the Seventh Schedule to the Constitution of India. It is not necessary to reserve the Bill for the consideration of the President with reference to any article of the Constitution of India.

3. The date on which the Governor's assent is given may kindly be entered in the endorsement.

4. I also forward herewith one copy of each of the items of the papers noted in the margin. The Bill was not referred to a Select Committee.

1.	Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.	Nos, 1,2,
2.	Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Legislative Council.	and 4
3.	Bill as read for the third time and passed by Bombay Legisaltive Council.	and two
4.	Extracts from the proceedings of the Bombay Legislative Assembly, dated the 11th August 1952 and of the Bombay Legislative Council, dated the 21st August 1952.	copies No. 3 No. 3

Yours faithfully
Sd/- J.R.Dhurandhar
6/9
Additional Secretary to Government.

O.C.

Copy forwarded with compliments to the Secretary to the Government of Bombay, Education Department.

Mjr/4/7

4 Cs.

47

No . G.S. 3198

From

Shri S.B.Kulkarni, IAS,
SECRETARY TO THE GOVERNOR OF BOMBAY

To

The Additional Secretary to
The Government of Bombay,
Legal Department, Bombay 1.

Subject:- The Bombay Primary Education (Amendment) Bill, 1952.

Raj Bhavan,
Ganeshkhind, Poona 7,
October 13, 195

Sir,

With reference to your letter No. 14571 of September 8, 1952, I am directed to return herewith the authentic copy of the Bombay Primary Education (Amendment) Bill, 1952, with the Governor's assent signified thereon.

Yours faithfully,

Sd/- S.B.Kulkarni

Secretary to the Governor.

Mjr/4/7

4 Cs.

ACTS 19

Publication of the Bombay Primary Education (Amendment) Act, 1952.

GOVERNMENT OF BOMBAY
Legal Department
Resolution No. 17058/B
Bombay Castle, 15th October 1952.

Letter to the Secretary to the Governor, No. 14571, dated the 8th September 1952.

Letter from the Secretary to the Governor, No.G.S.3198 dated the 13th October 1952.

"With reference to your letter No.14571 of September 8, 1952, I am directed to return herewith the authentic copy of the Bombay Primary Education (Amendment) Bill, 1952, with the Governor's assent signified thereon."

RESOLUTION:- The law should be published as Bombay Act No. XXV of 1952 in the Bombay Government Gazette dated the 16th October 1952.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari script) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Education Department.

By order of the Governor of Bombay.

Sd/- S.W.Dhurandhar
15/10/52
S.W. DHURANDHAR?

Assistant Secretary to Government.

To

The Manager, Government Central Press, Bombay (with a copy of the Act and with a request that 30 Gazette copies of the Act may be forwarded to the Legal Department and 10 copies to the Education Department).
The Education Department,
* The Examiner of Books and Publications, } with a
The Bombay Legislature Department, } copy of
The Director of Publicity, Bombay, } the Act.
The Liaison Officer for the Secretariat, Bombay.

Mjr/4/7
4 Cs.

* With four extra copies of the Act.

Registered No. B-1

The

Bombay Government Gazette.

PUBLISHED BY AUTHORITY

THURSDAY, 31ST JULY 1952.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V

[To be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari script) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules :—

L. A. BILL No. XXXVI OF 1952.

A Bill to amend the Bombay Primary Education Act, 1947.

Bom. LXI of 1947.

WHEREAS it is expedient to amend the Bombay Primary Education Act, 1947, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Primary Education (Amendment) Act, 1952.

Bom. LXI of 1947.

Amendment of section 4 of Bom. LXI of 1947.

2. In section 4 of the Bombay Primary Education Act, 1947, hereinafter referred to as the said Act,—

(*1*) for sub-section (*6*), the following shall be substituted, namely :—

"(*6*) Of the members elected by the district local board or by the authorised municipality such number not exceeding two as may be prescribed shall be from amongst the Scheduled Castes and the Scheduled Tribes" ;

(2) in the first proviso to sub-section (7), for the words "the backward communities" the words "the Scheduled Castes and the Scheduled Tribes" shall be substituted ;

(3) for the *Explanation* after sub-section (7), the following shall be substituted, namely :—

"*Explanation.*—For the purposes of sub-sections (6) and (7), 'Scheduled Castes' and 'Scheduled Tribes' means those Scheduled Castes and Scheduled Tribes which are deemed to be Scheduled Castes and Scheduled Tribes in relation to the State of Bombay under Article 341 or 342, as the case may be, of the Constitution."

Amendment of section 7 of Bom. LXI of 1947.

3. In section 7 of the said Act, in clause (*a*) of sub-section (*1*), the word "previous" shall be deleted.

Insertion of new section 9A in Bom. LXI of 1947.

4. After section 9 of the said Act, the following section shall be inserted, namely :—

Disqualification of person for misconduct after he has resigned as member.

"**9A.** If any person, who was a member of a school board and who had resigned his office as such member, has been, after due inquiry, found guilty of misconduct in the discharge of his duties, or of any disgraceful conduct as a member, the State Government may by an order notified in the *Official Gazette* declare him notwithstanding the fact that he had resigned his office as such member, to be disqualified for being elected, appointed or nominated a member of any school board from such date and for such period not exceeding five years as may be specified in the order. The State Government may at any time by like order remove the disqualification so incurred by any person. The decision of the State Government under this section shall be final."

Amendment of section 24 of Bom. LXI of 1947.

5. To section 24 of the said Act, the following sub-section shall be added, namely :—

"(*4*) Notwithstanding anything contained in this section, the State Government may call for and examine the record of any order made by the Administrative Officer under sub-section (*1*) involving disciplinary action against the staff, maintained under section 20, for the purpose of satisfying itself as to the correctness or propriety of the punishment awarded under the said order and if after causing such inquiry to be made as it deems fit the State Government is of opinion that the said order should be modified, annulled or reversed, the State Government may pass such order thereon as it deems fit :

Provided that no such order shall be made by the State Government in revision to the prejudice of any person unless such person has had an opportunity of being heard in his defence."

Amendment of section 35 of Bom. LXI of 1947.

6. For section 35 of the said Act, the following shall be substituted, namely :—

Penalty for failure to cause child to attend approved school.

"35. (*1*) If an order with reference to a child has been made under sub-section (*1*) of section 34 against any parent and if such parent fails to comply with the provisions of section 32 with respect to such child on or after the date specified in such order, unless such order is rescinded in an appeal made under

sub-section (3) of the said section 34, such parent shall, on conviction, be punished with fine not exceeding two rupees; and in case such failure continues after such conviction, he shall also be punished with fine of eight annas for every day on which the failure continues or is repeated.

(2) No court shall take cognizance of an offence under sub-section (1) except on the complaint filed by the Administrative Officer or any other officer authorised by him in this behalf."

Amendment of section 57 of Bom. LXI of 1947.

7. In section 57 of the said Act, in sub-section (3), for the words "one year" the words "three years" shall be substituted.

Amendment of section 60 of Bom. LXI of 1947.

8. For section 60 of the said Act, the following shall be substituted, namely :—

Delegation.

"60. (1) Subject to such conditions, if any, as may be specified,—

(i) the State Government may delegate any of its powers or duties under this Act or the rules made thereunder to any officer or authority subordinate to it; and

(ii) the Director may also, with the previous sanction of the State Government, delegate any of his powers or duties under this Act or the rules made thereunder or delegated to him by the State Government under clause (i) to any officer subordinate to him.

(2) Nothing in this section shall derogate from the right of the State Government or the Director to exercise any or all of the powers or duties hereby delegated by it or him, as the case may be, to any subordinate officer or authority."

Amendment of section 63 of Bom. LXI of 1947.

9. In section 63 of the said Act, to clause (c) of sub-section (2), the following words shall be added, namely :—

"and school committees for non-authorised municipalities."

Amendments made by section 2 to apply to new school boards.

10. The amendments made in the said Act by section 2 of this Act shall not apply to any school board existing on the date of the commencement of this Act but shall apply to any new school board constituted thereafter under the said Act.

STATEMENT OF OBJECTS AND REASONS.

Sub-section (6) of section 4 of the Bombay Primary Education Act, 1947, as it stands at present, provides that of the members elected by the District Local Board or by the Authorised Municipality on the School Board—

(i) one at least shall be a woman; and

(ii) such number not exceeding three, as may be prescribed, shall be from amongst the minorities and the backward communities.

A reservation of seats for the minorities is now void under Article 13 of the Constitution, as Article 15 prohibits discrimination on grounds of religion, race, caste, sex or place of birth or any of them, save as provided for in the Constitution

itself. Under clause (4) recently added to Article 15, there is, however, no constitutional ban on a reservation of seats in favour of the Scheduled Castes and Scheduled Tribes. It is, therefore, necessary to amend the Bombay Primary Education Act, 1947, and in doing so it is proposed to limit the reservation of seats only in favour of the Scheduled Castes and the Scheduled Tribes. It is also proposed to withdraw the reservation of one seat for women, as it is hoped that, in practice, adequate representation for women will be forthcoming in the normal way.

It is also proposed to amend certain other provisions of the Act in the light of experience gained of the working of the Act and also with a view to provide for the delegation and redelegation of certain powers under the Act.

Dated the 27th July 1952. (Signed) D. N. DESAI.

By order of the Governor of Bombay,

J. R. DHURANDHAR,
Additional Secretary to the Government of Bombay,
Legal Department.

Poona, dated the 30th July 1952.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. XXXVI OF 1952.

A Bill to amend the Bombay Primary Education Act, 1947.

(As read for the third time and passed by the Legislative Assembly on the 11th August 1952.)

Bom. LXI of 1947.

WHEREAS it is expedient to amend the Bombay Primary Education Act, 1947, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Primary Education (Amendment) Act, 1952.

Bom. LXI of 1947.

Amendment of section 4 of Bom. LXI of 1947.

2. In section 4 of the Bombay Primary Education Act, 1947, hereinafter referred to as the said Act,—

(*1*) for sub-section (*6*), the following shall be substituted, namely :—

"(*6*) Of the members elected by the district local board or by the authorised municipality such number not exceeding two as may be prescribed shall be from amongst the Scheduled Castes and the Scheduled Tribes";

(2) in the first proviso to sub-section (7), for the words "the backward communities" the words "the Scheduled Castes and the Scheduled Tribes" shall be substituted ;

(3) for the *Explanation* after sub-section (7), the following shall be substituted, namely :—

"*Explanation.*—For the purposes of sub-sections (6) and (7), 'Scheduled Castes' and 'Scheduled Tribes' means those Scheduled Castes and Scheduled Tribes which are deemed to be Scheduled Castes and Scheduled Tribes in relation to the State of Bombay under Article 341 or 342, as the case may be, of the Constitution."

Amendment of section 7 of Bom. LXI of 1947.

3. In section 7 of the said Act, in clause (*a*) of sub-section (*1*), the word "previous" shall be deleted.

Insertion of new section 9A in Bom. LXI of 1947.

4. After section 9 of the said Act, the following section shall be inserted, namely :—

Disqualification of person for misconduct after he has resigned as member.

"9A. If any person, who was a member of a school board and who had resigned his office as such member, has been, after due inquiry, found guilty of misconduct in the discharge of his duties, or of any disgraceful conduct as a member, the State Government may by an order notified in the *Official Gazette* declare him notwithstanding the fact that he had resigned his office as such member, to be disqualified for being elected, appointed or nominated a member of any school board from such date and for such period not exceeding five years as may be specified in the order. The State Government may at any time by like order remove the disqualification so incurred by any person. The decision of the State Government under this section shall be final."

Amendment of section 24 of Bom. LXI of 1947.

5. To section 24 of the said Act, the following sub-section shall be added, namely :—

"(*4*) Notwithstanding anything contained in this section, the State Government may call for and examine the record of any order made by the Administrative Officer under sub-section (*1*) involving disciplinary action against the staff, maintained under section 20, for the purpose of satisfying itself as to the correctness or propriety of the punishment awarded under the said order and if after causing such inquiry to be made as it deems fit the State Government is of opinion that the said order should be modified, annulled or reversed, the State Government may pass such order thereon as it deems fit :

Provided that no such order shall be made by the State Government in revision to the prejudice of any person unless such person has had an opportunity of being heard in his defence."

Amendment of section 35 of Bom. LXI of 1947.

6. For section 35 of the said Act, the following shall be substituted, namely :—

Penalty for failure to cause child to attend approved school.

"35. (*1*) If an order with reference to a child has been made under sub-section (*1*) of section 34 against any parent and if such parent fails to comply with the provisions of section 32 with respect to such child on or after the date specified in such order, unless such order is rescinded in an appeal made under

sub-section (3) of the said section 34, such parent shall, on conviction, be punished with fine not exceeding two rupees ; and in case such failure continues after such conviction, he shall also be punished with fine of eight annas for every day on which the failure continues or is repeated.

(2) No court shall take cognizance of an offence under sub-section (1) except on the complaint filed by the Administrative Officer or any other officer authorised by him in this behalf."

Amendment of section 57 of Bom. LXI of 1947.

7. In section 57 of the said Act, in sub-section (3), for the words "one year" the words "three years" shall be substituted.

Amendment of section 60 of Bom. LXI of 1947.

8. For section 60 of the said Act, the following shall be substituted, namely :—

Delegation.

"60. (1) Subject to such conditions, if any, as may be specified,—

(i) the State Government may delegate any of its powers or duties under this Act or the rules made thereunder to any officer or authority subordinate to it ; and

(ii) the Director may also, with the previous sanction of the State Government, delegate any of his powers or duties under this Act or the rules made thereunder or delegated to him by the State Government under clause (i) to any officer subordinate to him.

(2) Nothing in this section shall derogate from the right of the State Government or the Director to exercise any or all of the powers or duties hereby delegated by it or him, as the case may be, to any subordinate officer or authority."

Amendment of section 63 of Bom. LXI of 1947.

9. In section 63 of the said Act, to clause (c) of sub-section (2), the following words shall be added, namely :—

"and school committees for non-authorised municipalities."

Amendments made by section 2 to apply to new school boards.

10. The amendments made in the said Act by section 2 of this Act shall not apply to any school board existing on the date of the commencement of this Act but shall apply to any new school board constituted thereafter under the said Act.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XXXVI OF 1952.]

(As read for the third time and passed by the Legislative Assembly on the 11th August 1952.)

A Bill to amend the Bombay Primary Education Act, 1947.

[Shri DINKERRAO N. DESAI, M.L.A.]

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. XXXVI OF 1952.

A Bill to amend the Bombay Primary Education Act, 1947.

(As read for the third time and passed by the Legislative Assembly on the 11th August 1952.)

(As read for the third time and passed by the Legislative Council on the 21st August 1952.)

Bom. LXI of 19

WHEREAS it is expedient to amend the Bombay Primary Education Act, 1947, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Primary Education (Amendment) Act, 1952.

Bom. LXI of 1947.

Amendment of section 4 of Bom. LXI of 1947.

2. In section 4 of the Bombay Primary Education Act, 1947, hereinafter referred to as the said Act,—

(*1*) for sub-section (*6*), the following shall be substituted, namely :—

"(*6*) Of the members elected by the district local board or by the authorised municipality such number not exceeding two as may be prescribed shall be from amongst the Scheduled Castes and the Scheduled Tribes";

Bo-v Bk Hb 213—1

(*2*) in the first proviso to sub-section (*7*), for the words "the backward communities" the words "the Scheduled Castes and the Scheduled Tribes" shall be substituted ;

(*3*) for the *Explanation* after sub-section (*7*), the following shall be substituted, namely :—

"*Explanation.*—For the purposes of sub-sections (*6*) and (*7*), 'Scheduled Castes' and 'Scheduled Tribes' means those Scheduled Castes and Scheduled Tribes which are deemed to be Scheduled Castes and Scheduled Tribes in relation to the State of Bombay under Article 341 or 342, as the case may be, of the Constitution."

Amendment of section 7 of Bom. LXI of 1947.

3. In section 7 of the said Act, in clause (*a*) of sub-section (*1*), the word "previous" shall be deleted.

Insertion of new section 9A in Bom. LXI of 1947.

4. After section 9 of the said Act, the following section shall be inserted, namely :—

Disqualification of person for misconduct after he has resigned as member.

"9A. If any person, who was a member of a school board and who had resigned his office as such member, has been, after due inquiry, found guilty of misconduct in the discharge of his duties, or of any disgraceful conduct as a member, the State Government may by an order notified in the *Official Gazette* declare him notwithstanding the fact that he had resigned his office as such member, to be disqualified for being elected, appointed or nominated a member of any school board from such date and for such period not exceeding five years as may be specified in the order. The State Government may at any time by like order remove the disqualification so incurred by any person. The decision of the State Government under this section shall be final."

Amendment of section 24 of Bom. LXI of 1947.

5. To section 24 of the said Act, the following sub-section shall be added, namely :—

"(*4*) Notwithstanding anything contained in this section, the State Government may call for and examine the record of any order made by the Administrative Officer under sub-section (*1*) involving disciplinary action against the staff, maintained under section 20, for the purpose of satisfying itself as to the correctness or propriety of the punishment awarded under the said order and if after causing such inquiry to be made as it deems fit the State Government is of opinion that the said order should be modified, annulled or reversed, the State Government may pass such order thereon as it deems fit :

Provided that no such order shall be made by the State Government in revision to the prejudice of any person unless such person has had an opportunity of being heard in his defence."

Amendment of section 35 of Bom. LXI of 1947.

6. For section 35 of the said Act, the following shall be substituted, namely :—

Penalty for failure to cause child to attend approved school,

"35. (*1*) If an order with reference to a child has been made under sub-section (*1*) of section 34 against any parent and if such parent fails to comply with the provisions of section 32 with respect to such child on or after the date specified in such order, unless such order is rescinded in an appeal made under

sub-section (*3*) of the said section 34, such parent shall, on conviction, be punished with fine not exceeding two rupees ; and in case such failure continues after such conviction, he shall also be punished with fine of eight annas for every day on which the failure continues or is repeated.

(*2*) No court shall take cognizance of an offence under sub-section (*1*) except on the complaint filed by the Administrative Officer or any other officer authorised by him in this behalf."

Amendment of section 57 of Bom. LXI of 1947.

7. In section 57 of the said Act, in sub-section (*3*), for the words "one year" the words "three years" shall be substituted.

Amendment of section 60 of Bom. LXI of 1947.

8. For section 60 of the said Act, the following shall be substituted, namely :—

Delegation.

"60. (*1*) Subject to such conditions, if any, as may be specified,—

(*i*) the State Government may delegate any of its powers or duties under this Act or the rules made thereunder to any officer or authority subordinate to it ; and

(*ii*) the Director may also, with the previous sanction of the State Government, delegate any of his powers or duties under this Act or the rules made thereunder or delegated to him by the State Government under clause (*i*) to any officer subordinate to him.

(*2*) Nothing in this section shall derogate from the right of the State Government or the Director to exercise any or all of the powers or duties hereby delegated by it or him, as the case may be, to any subordinate officer or authority."

Amendment of section 63 of Bom. LXI of 1947.

9. In section 63 of the said Act, to clause (*c*) of sub-section (*2*), the following words shall be added, namely :—

"and school committees for non-authorised municipalities."

Amendments made by section 2 to apply to new school boards.

10. The amendments made in the said Act by section 2 of this Act shall not apply to any school board existing on the date of the commencement of this Act but shall apply to any new school board constituted thereafter under the said Act.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XXXVI OF 1952.

(As read for the third time and passed by the Legislative Assembly on the 11th August 1952.)

(As read for the third time and passed by the Legislative Council on the 21st August 1952.)

A Bill to amend the Bombay Primary Education Act, 1947.

[Shri DINKERRAO N. DESAI, M.L.A.

MO-V Bk Hb 213—2

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

REGISTERED No. B-1

The

Bombay Government Gazette

PUBLISHED BY AUTHORITY

WEDNESDAY, 15TH OCTOBER 1952.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Bombay Legislature and Ordinances promulgated and Regulations made by the Governor.

CONTENTS.

	Page
BOMBAY ACT No. XXV OF 1952—An Act to amend the Bombay Primary Education Act, 1947	108-110

The following Act of the Bombay Legislature having been assented to by the Governor on the 12th October 1952 is hereby published for general information.

J. R. DHURANDHAR,
Additional Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XXV OF 1952.

(First published, after having received the assent of the Governor, in the "Bombay Government Gazette" on the 15th October 1952.)

An Act to amend the Bombay Primary Education Act, 1947.

Bom. LXI of 1947.

WHEREAS it is expedient to amend the Bombay Primary Education Act, 1947, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bombay Primary Education (Amendment) Act, 1952.

Bom. LXI of 1947.

Amendment of section 4 of Bom. LXI of 1947.

2. In section 4 of the Bombay Primary Education Act, 1947, hereinafter referred to as the said Act,—

(*1*) for sub-section (*6*), the following shall be substituted, namely :—

"(*6*) Of the members elected by the district local board or by the authorised municipality such number not exceeding two as may be prescribed shall be from amongst the Scheduled Castes and the Scheduled Tribes";

(2) in the first proviso to sub-section (7), for the words "the backward communities" the words "the Scheduled Castes and the Scheduled Tribes" shall be substituted ;

(3) for the *Explanation* after sub-section (7), the following shall be substituted, namely :—

"*Explanation.*—For the purposes of sub-sections (6) and (7), 'Scheduled Castes' and 'Scheduled Tribes' means those Scheduled Castes and Scheduled Tribes which are deemed to be Scheduled Castes and Scheduled Tribes in relation to the State of Bombay under Article 341 or 342, as the case may be, of the Constitution."

Amendment of section 7 of Bom. LXI of 1947.

3. In section 7 of the said Act, in clause (*a*) of sub-section (*1*), the word "previous" shall be deleted.

Insertion of new section 9A in Bom. LXI of 1947.

4. After section 9 of the said Act, the following section shall be inserted, namely

Disqualification of person for misconduct after he has resigned as member.

"9A. If any person, who was a member of a school board and who had resigned his office as such member, has been, after due inquiry, found guilty of misconduct in the discharge of his duties, or of any disgraceful conduct as a member, the State Government may by an order notified in the *Official Gazette* declare him notwithstanding the fact that he had resigned his office as such member, to be disqualified for being elected, appointed or nominated a member of any school board from such date and for such period not exceeding five years as may be specified in the order. The State Government may at any time by like order remove the disqualification so incurred by any person. The decision of the State Government under this section shall be final."

Amendment of section 24 of Bom. LXI of 1947.

5. To section 24 of the said Act, the following sub-section shall be added, namely :—

"(*4*) Notwithstanding anything contained in this section, the State Government may call for and examine the record of any order made by the Administrative Officer under sub-section (*1*) involving disciplinary action against the staff, maintained under section 20, for the purpose of satisfying itself as to the correctness or propriety of the punishment awarded under the said order and if after causing such inquiry to be made as it deems fit the State Government is of opinion that the said order should be modified, annulled or reversed, the State Government may pass such order thereon as it deems fit :

Provided that no such order shall be made by the State Government in revision to the prejudice of any person unless such person has had an opportunity of being heard in his defence."

Amendment of section 35 of Bom. LXI of 1947.

6. For section 35 of the said Act, the following shall be substituted, namely :—

Penalty for failure to cause child to attend approved school.

"35. (*1*) If an order with reference to a child has been made under sub-section (*1*) of section 34 against any parent and if such parent fails to comply with the provisions of section 32 with respect to such child on or after the date specified in such order, unless such order is rescinded in an appeal made under

sub-section (3) of the said section 34, such parent shall, on conviction, be punished with fine not exceeding two rupees; and in case such failure continues after such conviction, he shall also be punished with fine of eight annas for every day on which the failure continues or is repeated.

(2) No court shall take cognizance of an offence under sub-section (1) except on the complaint filed by the Administrative Officer or any other officer authorised by him in this behalf."

Amendment of section 57 of Bom. LXI of 1947.

7. In section 57 of the said Act, in sub-section (3), for the words "one year" the words "three years" shall be substituted.

Amendment of section 60 of Bom. LXI of 1947.

8. For section 60 of the said Act, the following shall be substituted, namely :—

Delegation.

"60. (1) Subject to such conditions, if any, as may be specified,—

(i) the State Government may delegate any of its powers or duties under this Act or the rules made thereunder to any officer or authority subordinate to it; and

(ii) the Director may also, with the previous sanction of the State Government, delegate any of his powers or duties under this Act or the rules made thereunder or delegated to him by the State Government under clause (i) to any officer subordinate to him.

(2) Nothing in this section shall derogate from the right of the State Government or the Director to exercise any or all of the powers or duties hereby delegated by it or him, as the case may be, to any subordinate officer or authority."

Amendment of section 63 of Bom. LXI of 1947.

9. In section 63 of the said Act, to clause (c) of sub-section (2), the following words shall be added, namely :—

"and school committees for non-authorised municipalities."

Amendments made by section 2 to apply to new school boards.

10. The amendments made in the said Act by section 2 of this Act shall not apply to any school board existing on the date of the commencement of this Act but shall apply to any new school board constituted thereafter under the said Act.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.